

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

Christopher Brown,
Petitioner

-vs-

Case No. 1:01-cv-840

Pat Hurley, Warden,
Respondent

JUDGMENT

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that:

The Report & Recommendation is **ADOPTED**. Petitioner's petition for writ of habeas corpus is **DENIED** with prejudice. A certificate of appealability shall not issue because petitioner has failed to make a substantial showing of the denial of a constitutional right that is remediable in this proceeding. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). The Court hereby **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would not be taken in good faith. Accordingly, the Court **DENIES** petitioner leave to proceed *in forma pauperis* in any appeal from this Order. See Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997).

Date: June 3, 2004

James Bonini, Clerk

By: s/Mary C. Brown
Mary C. Brown, Deputy Clerk